

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

ASATA D. LOWE,

Petitioner,

v.

MIKE PARRIS,

Respondent.

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Case No. 3:22-cv-422

Judge Atchley

Magistrate Judge Poplin

MEMORANDUM AND ORDER

Petitioner Asata D. Lowe, an inmate in the custody of the Tennessee Department of Correction (“TDOC”) housed in the Morgan County Correctional Facility (“MCCX”), has filed a pro se petition for habeas corpus relief under 28 U.S.C. § 2254¹ [Doc. 1] and multiple motions [Docs. 3, 4, 7, 8, 9, 10, 11, 12, 14]. Petitioner has paid the filing fee. For the reasons set forth below, Respondent will not be required to respond, the petition [Doc. 1] will be **DISMISSED WITH PREJUDICE**, and Petitioner’s motions [Docs. 3, 4, 7, 8, 9, 10, 11, 12, 14] will be **DENIED AS MOOT**.

The Court takes judicial notice that Petitioner is in TDOC custody pursuant to various Tennessee convictions² that he unsuccessfully challenged through Tennessee’s Post Conviction

¹ While Petitioner filed his petition under § 2241, it is apparent from the substance of his filings and public records that he challenges the validity of his confinement under state court judgments. [See, e.g., Docs. 1, 3, 3-1]; see also Tennessee Department of Correction, “Felony Offender Information Search,” <https://apps.tn.gov/foil/search.jsp> (last visited June 12, 2023). Thus, the Court construes the petition as filed under 28 U.S.C. § 2254. *Saulsberry v. Lee*, 937 F.3d 644, 647 (6th Cir. 2019) (holding that “§ 2254 is the ‘exclusive vehicle’ of habeas relief for prisoners in custody under a state judgment”); *Rittenberry v. Morgan*, 468 F.3d 331, 337 (6th Cir. 2006) (holding that “all petitions seeking relief from state court convictions” fall under § 2254).

² Specifically, Petitioner is confined due to his convictions for first-degree murder and especially aggravated robbery that occurred in 1998 in Blount County, Tennessee. See Tennessee

Act, Tenn. Code Ann. § 40-30-101, *et seq.*, with the assistance of appointed counsel. *Lowe v. Parris*, No. 3:22-CV-159, 2022 WL 2975292, at *1 (E.D. Tenn. July 27, 2022). In this action, which Petitioner filed on November 1, 2023, Petitioner contends that Respondent MCCX Warden Mike Parris is detaining him in a manner that deprives him of “the ‘freedom from bodily restraint and punishment’” without procedural safeguards. [Doc. 1 p. 1–2 (citing Tenn. Code Ann. § 41-1-101, *et seq.*)]. Petitioner made these same arguments in his most recent habeas corpus action that a Court in this District dismissed with prejudice prior to Petitioner filing this action. [*Compare id.* with *Lowe v. Parris*, No. 3:22-cv-159, Doc. 1 p. 1–2].³

Thus, Petitioner’s habeas corpus petition in this action is subject to dismissal for the same reasons as his most recent substantively identical habeas corpus petition that a Court in this District dismissed. *Id.* at *1–2. It is also subject to dismissal as duplicative. *See Slack v. McDaniel*, 529 U.S. 473, 478 (2000) (providing that “[f]ederal courts . . . retain broad powers to prevent duplicative or unnecessary litigation”).

For these reasons, the instant petition for writ of habeas corpus [Doc. 1] is **DENIED**, Petitioner’s pending motions [Docs. 3, 4, 7, 8, 9, 10, 11, 12, 14] are **DENIED AS MOOT**, and this action is **DISMISSED WITH PREJUDICE**. A certificate of appealability from this decision is **DENIED**. 28 U.S.C. § 2253(c). Further, the Court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. As such, this Court

Department of Correction, “Felony Offender Information Search,” <https://apps.tn.gov/foil/search.jsp> (last visited June 12, 2023).

³ After Petitioner filed the instant petition, Chief United States District Judge Travis McDonough entered a permanent filing injunction against Petitioner “to prevent future frivolous and vexatious filings in this Court.” *In Re Asata D. Lowe*, Case No. 1:23-MC-005, Doc. 1 (E.D. Tenn. Feb. 23, 2023).

DENIES Petitioner leave to proceed *in forma pauperis* on any subsequent appeal. *See* Rule 24 of the Federal Rules of Appellate Procedure.

AN APPROPRIATE JUDGMENT ORDER WILL ENTER.

SO ORDERED.

/s/ Charles E. Atchley, Jr.

**CHARLES E. ATCHLEY JR.
UNITED STATES DISTRICT JUDGE**